

### **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

#### **Power of Attorney and Change of Correspondence Address**

The Examiner's attention is kindly directed to the Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney filed September 10, 2009. The Examiner is respectfully requested to take the necessary procedures to update the Power of Attorney for this application, so that the correspondence concerning this application will be forwarded to the appropriate attorney, i.e. Wenderoth, Lind & Ponack L.L.P., 1030 15<sup>th</sup> Street, N.W., Suite 400 East, Washington, D.C. 20005.

Additionally, a Change of Correspondence Address has been filed concurrently herewith in accordance with the recommendation of a U.S. PTO representative.

#### **Claim Amendments**

Claims 44, 55 and 59 have been amended to address the Examiner's objections.

Claim 60 has been cancelled.

#### **Claim Objections**

The Examiner's objections to the claims have been overcome by the presently amended claims.

#### **Rejection Under 35 U.S.C. § 102(b)**

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Claims 44-47, 49 and 50 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously cited Spindler et al. (US 5,466,844). This rejection is respectfully traversed.

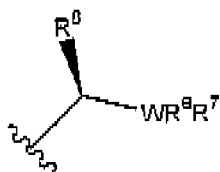
*The Position of the Examiner*

The Examiner takes the position that Compounds (VII) of the reference meet the structural features set forth in the instant claims.

*The Position of Applicants*

Applicants respectfully disagree with the Examiner's position.

The Spindler et al. reference is only relevant for compounds of instant formulae (I), (IV) and (VII), if in instant claim 44 the substituent Q is represented by the formula



wherein W is a phosphorous atom.

However, said formula has already been excluded by cancelling said formula for "Q", in the Amendment After Final Rejection filed March 22, 2010. Thus, the Spindler et al. reference does not anticipate the instant set of claims. Withdrawal of the rejection is respectfully requested.

*Double Patenting Rejection*

The Examiner is maintaining the provisional rejection of claims 44-63 for obviousness-type double patenting as being unpatentable over the claims of Serial No. 10/586,204. The Examiner is again kindly requested to hold this rejection in abeyance, pending an indication that the claims of the present application are otherwise in condition for allowance.

**Conclusion**

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Wei-Ping CHEN et al.

/Amy E. Schmid/

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